

**PATENT COOPERATION TREATY
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

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REC'D 21 NOV 2001

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2387253/dbw	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No. PCT/AU01/00180	International Filing Date (day/month/year) 22 February 2001	Priority Date (day/month/year) 22 February 2000	
International Patent Classification (IPC) or national classification and IPC Int. Cl. 7 A44C 25/00			
Applicant CHEERINE GROUP (INTERNATIONAL) PTY. LTD. et al			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 24 July 2001	Date of completion of the report 9 November 2001
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer SUSAN T. PRING Telephone No. (02) 6283 2210

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 3-5	YES
	Claims 1,2,6,7	NO
Inventive step (IS)	Claims 3-5	YES
	Claims 1,2,6,7	NO
Industrial applicability (IA)	Claims 1-7	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Novelty and Inventive Step

US 4412205 discloses a switch construction responsive to the motions of a wearer designed to be incorporated into a slipper. It does not disclose the device on a band to be worn on the neck or head.

US 4791536 discloses earrings responsive to sound, to light various LED's and its optic fibre.

CA 2024665 discloses a safety device for use as arm bands for cyclists or joggers comprising a band with a plurality of LED's operated by a battery.

It would be well within the knowledge in the art to combine the use wearable bands with light sources activated by movement not involve any inventive step in the light of common general knowledge.

The problem addressed by the current application is the need for a noticeable warning device. It is also noted that there is no problem presented which would act as a barrier to using these standard design elements in solving the stated problem

Faced with the stated problem the person skilled in the art would be equipped with an ensemble of standard design elements and strategies from which they would make obvious combinations as necessary and therefore proceed directly to the claimed invention by routine and non-inventive process.

Therefore claims 1,2,6 and 7 cannot be said to have novelty or inventive step.